

010-863

JS 44C/SDNY  
REV. 12/2005

**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS Teachers' Retirement System of Okla., Public Employees' Retirement System of Mississippi, Raiffeisen Kapitalanlage-Gesellschaft m.b.H., Stichting Pensioenfonds ABP  
DEFENDANTS Delphi Corporation

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) (see attached)  
ATTORNEYS (IF KNOWN) (see attached)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
28 U.S.C. 158 Appeal of bankruptcy court order granting Debtors' application to retain Deloitte & Touche LLP as independent auditors and accountants under 11 U.S.C. 327 and 328

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date & Case No.

(PLACE AN [x] IN ONE BOX ONLY) NATURE OF SUIT 05-44481 (RDD) #1859

**ACTIONS UNDER STATUTES**

TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY					
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY -	[ ] 810 AGRICULTURE	[x] 422 APPEAL	[ ] 400 STATE		
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	[ ] 365 MED MALPRACTICE	[ ] 820 FOOD & DRUG	28 USC 158	REAPPORTIONMENT		
[ ] 130 MILLER ACT	LIABILITY	[ ] 365 PERSONAL INJURY	[ ] 825 DRUG RELATED	[ ] 423 WITHDRAWAL	[ ] 410 ANTITRUST		
[ ] 140 NEGOTIABLE	[ ] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	SEIZURE OF	28 USC 157	[ ] 430 BANKS & BANKING		
INSTRUMENT	SLANDER	[ ] 368 ASBESTOS PERSONAL	PROPERTY		[ ] 450 COMMERCE/ACC		
[ ] 150 RECOVERY OF	[ ] 330 FEDERAL	INJURY PRODUCT	21 USC 881	PROPERTY RIGHTS	RATES/ETC		
OVERPAYMENT &	EMPLOYERS'	LIABILITY	[ ] 830 LIQUOR LAWS		[ ] 460 DEPORTATION		
ENFORCEMENT OF	LIABILITY		[ ] 840 RR & TRUCK		[ ] 470 RACKETEER INFLU-		
JUDGMENT	[ ] 340 MARINE	PERSONAL PROPERTY	[ ] 850 AIRLINE REGS	[ ] 820 COPYRIGHTS	ENCED & CORRUPT		
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT		[ ] 860 OCCUPATIONAL	[ ] 830 PATENT	ORGANIZATION ACT		
[ ] 152 RECOVERY OF	LIABILITY	[ ] 370 OTHER FRAUD	SAFETY/HEALTH	[ ] 840 TRADEMARK	(RICO)		
DEFAULTED	[ ] 350 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING	[ ] 890 OTHER		[ ] 480 CONSUMER CREDIT		
STUDENT LOANS	[ ] 355 MOTOR VEHICLE	[ ] 380 OTHER PERSONAL	LABOR	SOCIAL SECURITY	[ ] 490 CABLE/SATELLITE TV		
(EXCL VETERANS)	PRODUCT LIABILITY	PROPERTY DAMAGE	[ ] 710 FAIR LABOR	[ ] 881 MIA (1395FF)	[ ] 810 SELECTIVE SERVICE		
[ ] 153 RECOVERY OF	[ ] 380 OTHER PERSONAL	PRODUCT LIABILITY	STANDARDS ACT	[ ] 882 BLACK LUNG (923)	[ ] 850 SECURITIES/		
OVERPAYMENT OF	INJURY		[ ] 720 LABOR/MGMT	[ ] 883 DIWC (405(g))	COMMODITIES/		
VETERANS BENEFITS			RELATIONS	[ ] 883 DIWW (405(g))	EXCHANGE		
[ ] 180 STOCKHOLDERS SUITS			[ ] 730 LABOR/MGMT	[ ] 884 SSIO TITLE XVI	[ ] 875 CUSTOMER		
[ ] 190 OTHER CONTRACT			REPORTING &	[ ] 885 RSI (405(g))	CHALLENGE		
[ ] 195 CONTRACT PRODUCT			DISCLOSURE ACT		12 USC 3410		
LIABILITY			[ ] 740 RAILWAY LABOR ACT	FEDERAL TAX SUITS	[ ] 891 AGRICULTURE ACTS		
[ ] 198 FRANCHISE			[ ] 790 OTHER LABOR		[ ] 892 ECONOMIC		
	ACTIONS UNDER STATUTES		LITIGATION	[ ] 870 TAXES	STABILIZATION ACT		
	CIVIL RIGHTS	PRISONER PETITIONS	[ ] 791 EMPL RET INC	[ ] 871 IRS-THIRD PARTY	[ ] 893 ENVIRONMENTAL		
REAL PROPERTY			SECURITY ACT	20 USC 7608	MATTERS		
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	[ ] 510 MOTIONS TO			ENERGY		
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	VACATE SENTENCE			ALLOCATION ACT		
[ ] 230 RENT LEASE &	[ ] 443 HOUSING	28 USC 2255			FREEDOM OF		
EJECTMENT	ACCOMMODATIONS	[ ] 530 HABEAS CORPUS			INFORMATION ACT		
[ ] 240 TORTS TO LAND	[ ] 444 WELFARE	[ ] 535 DEATH PENALTY			APPEAL OF FEE		
[ ] 246 TORT PRODUCT	[ ] 445 AMERICANS WITH	[ ] 540 MANDAMUS & OTHER			DETERMINATION		
LIABILITY	DISABILITIES -	[ ] 550 CIVIL RIGHTS			UNDER EQUAL ACCESS		
[ ] 290 ALL OTHER	EMPLOYMENT	[ ] 555 PRISON CONDITION			TO JUSTICE		
REAL PROPERTY	[ ] 446 AMERICANS WITH				[ ] 950 CONSTITUTIONALITY		
	DISABILITIES -OTHER				OF STATE STATUTES		
	[ ] 440 OTHER CIVIL RIGHTS				[ ] 890 OTHER STATUTORY		
					ACTIONS		

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ OTHER JUDGE DOCKET NUMBER

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court  
AND at least one party is a pro se filiant

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[ ]	[ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ]	[ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ]	[ ]
CITIZEN OF ANOTHER STATE	[ ]	[ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ]	[ ]	FOREIGN NATION	[ ]	[ ]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE  
(DO NOT check either box if this a PRISONER PETITION.)

DATE SIGNATURE OF ATTORNEY OF RECORD

01/26/06

*James J. McMahon*

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[x] YES (DATE ADMITTED Mo. 09 Yr. 1986)

Attorney Bar Code # IL9958

RECEIPT # 3557321

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

J Michael McMahon, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

**EXHIBIT A**

<u>Attorneys for Appellants/Plaintiffs</u>	<u>Attorneys for Appellees/Defendants</u>
<p>Michael S. Etkin, Esq. (ME 0570) Ira M. Levee, Esq. (IL 9958) <b>LOWENSTEIN SANDLER PC</b> 1251 Avenue of the Americas, 18<sup>th</sup> Floor New York, New York 10019 (212) 262-6700 (Telephone) (212) 262-7402 (Facsimile) and 65 Livingston Avenue Roseland, New Jersey 07068 (973) 597-2500 (Telephone) (973) 597-2400 (Facsimile)</p> <p>Jeffrey J. Angelovich, Esq. Bradley E. Beckworth, Esq. Susan Whatley, Esq. <b>NIX, PATTERSON &amp; ROACH, L.L.P.</b> 205 Linda Drive Daingerfield, Texas 75638 (903) 645-7333 (Telephone) (903) 645-4415 (Facsimile)</p> <p>John P. Coffey, Esq. (JC 3832) Hannah E. Greenwald, Esq. (HG 5180) Mark D. Debrowski, Esq. (MD 3968) <b>BERNSTEIN LITOWITZ BERGER &amp; GROSSMAN, LLP</b> 1285 Avenue of the Americas New York, New York 10019 (212) 554-1400 (Telephone) (212) 554-1444 (Facsimile)</p> <p>Michael K. Yarnoff, Esq. Sean M. Handler, Esq. Jodi Murland, Esq. <b>SCHIFFRIN &amp; BARROWAY, L.L.P.</b> 280 King of Prussia Road Radnor, Pennsylvania 19087 (610) 667-7056 (Telephone) (610) 667-7706 (Facsimile)</p> <p>Stuart M. Grant, Esq. (SG 8157) James J. Sabella, Esq. (JS 5454) <b>GRANT &amp; EISENHOFER, P.A.</b></p>	<p>William J.F. Roll, III, Esq. Andrew V. Tenzer, Esq. <b>SHEARMAN &amp; STERLING LLP</b> 599 Lexington Avenue New York, NY 10022-6069 (212) 848-4000 (Telephone) (212) 848-7179 (Facsimile)</p> <p>John W.. Butler, Jr. Esq. David E. Springer, Esq.. John K. Lyons, Esq. Ron E. Meisler, Esq. <b>SKADDEN ARPS SLATE MEAGHER &amp; FLOM LLP</b> 333 West Wacker Drive, Suite 2100 Chicago, Illinois 60606 (312) 407-0700 (Telephone) (312) 407-0411 (Facsimile) and Kayalyn A. Marafioti, Esq. Thomas J. Matz, Esq. <b>SKADDEN ARPS SLATE MEAGHER &amp; FLOM LLP</b> Four Times Square New York, NY 10036 (212) 735-3000 (Telephone) (212) 735-2000 (Facsimile)</p>

<p>45 Rockefeller Center 650 Fifth Avenue New York, New York 10111 (212) 755-6501 (Telephone) (212) 755-6503 (Facsimile) and Geoffrey C. Jarvis, Esq. Sharan Nirmul, Esq. Benjamin J. Hinerfeld, Esq. <b>GRANT &amp; EISENHOFER, P.A.</b> 1201 North Market Street, Suite 2100 Wilmington, Delaware 19801 (302) 622-7000 (Telephone) (302) 622-7100 (Facsimile)</p>	
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